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Friday, 31 October 2003, 10 a.m.
New York

President: The Hon. Julian R. Hunte ..... (Saint Lucia)

The meeting was called to order at 10.05 a.m.

Agenda item 13

Report of the International Court of Justice

(a) Report of the International Court of Justice (A/58/4 and Corr. 1)

(b) Report of the Secretary-General (A/58/295)

The President: May I take it that the Assembly takes note of the report of the International Court of Justice?

It was so decided.

The President: In connection with this item, the Assembly also has before it a report of the Secretary-General on the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, which has been circulated in document A/58/295.

I call on Mr. Shi Jiuyong, President of the International Court of Justice.

Mr. Shi Jiuyong (International Court of Justice): It is an honour for me to address the General Assembly for the first time in my presidency, on the occasion of its examination of the report of the International Court of Justice for the period 1 August 2002 to 31 July 2003.

This yearly contact which has been established between the Court and the General Assembly since 1968 allows for an invaluable direct interchange between these two sister organs of the United Nations. In particular, I wish to express my sincere thanks to the Assembly for its continued interest in the work of the Court, the principal judicial organ of the United Nations, whose vocation is to deal with legal disputes submitted to it by Member States, as well as legal questions put to it by other organs of the United Nations and duly authorized specialized agencies.

I am particularly pleased to address the Assembly today under the distinguished presidency of Mr. Julian R. Hunte, Minister for External Affairs, International Trade and Civil Aviation of Saint Lucia. I offer you, Sir, my warm congratulations on your election as President of the General Assembly at its fifty-eighth session. You have my sincerest wishes for every success in his eminent office. I should like particularly to commend you for your unflagging determination to pursue the struggle against the principal sources of conflict, and for your vision of the international community, which encompasses peaceful coexistence between States and equity among nations large and small, as well as your commitment to strengthening civil society and encouraging sustainable development, in particular in the context of small island States.

The Court has, as usual, transmitted its annual report to the Assembly, and that report has been circulated together with an introductory summary. A corrigendum to the report relating to the case

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concerning *Avena and Other Mexican Nationals* (*Mexico v. United States of America*) has further been distributed this week. I will not impose on the General Assembly a complete reading of those documents, but I would nevertheless like to summarize and stress some of the essential elements therein reported.

May I begin by recalling that 191 States are currently parties to the Statute of the Court, and that 60 of them have accepted the compulsory jurisdiction of the Court in accordance with Article 36, paragraph 2, of the Statute. Furthermore, approximately 300 treaties refer to the Court in relation to the settlement of disputes arising from their application or interpretation.

Since my predecessor, President Guillaume, addressed the Assembly in October 2002, the International Court of Justice has been as busy as ever. As of 31 August 2003, the docket of the Court stood at 25 cases. This number now stands at 23, following the removal from the Court's list in early September 2003, at the joint request of the parties, of two cases brought before the Court in 1992 by Libya, against the United Kingdom and against the United States of America, in respect of disputes concerning the interpretation and application of the 1971 Montreal Convention arising from the aerial incident at Lockerbie.

Those cases come from all over the world, four being between African States, one between Asian States, 11 between European States and three between Latin American States, while four are of an intercontinental character. That international distribution reflects the universal composition of the Court itself, comprised as it currently is of members from Brazil, China, Egypt, France, Germany, Japan, Jordan, Madagascar, the Netherlands, the Russian Federation, Sierra Leone, Slovakia, the United Kingdom, the United States of America and Venezuela.

The subject matter of the cases before the Court is extremely varied. As is frequently the case, the Court's docket contains a number of cases concerning territorial disputes between neighbouring States seeking a determination of their land and maritime boundaries, or a decision as to which of them has sovereignty over particular areas. This is the position for four cases concerning, respectively, Nicaragua and Honduras, Nicaragua and Colombia, Benin and Niger, and Malaysia and Singapore.

Another classic type of dispute is one in which a State complains of the treatment of its nationals in another State. That is the position in the cases of Guinea against the Democratic Republic of the Congo, Liechtenstein against Germany, Mexico against the United States of America, and the Republic of the Congo against France.

Other cases relate to events that the General Assembly or the Security Council have had to address. Thus, Iran has brought proceedings over the alleged destruction of oil platforms by the United States in 1987 and 1988. Bosnia and Herzegovina and Croatia have, in two separate cases, sought the condemnation of Serbia and Montenegro — formerly the Federal Republic of Yugoslavia — for violation of the 1948 International Convention on the Prevention and Punishment of the Crime of Genocide. Serbia and Montenegro itself has brought proceedings against eight States members of the North Atlantic Treaty Organization, challenging the legality of their action in Kosovo. Finally, the Democratic Republic of the Congo, in two separate cases, contends that it has been the victim of armed aggression on the part of Uganda and Rwanda, respectively.

The Court's decisions in the course of the period under review include in particular three Judgments on merits and two orders on request for provisional measures. In October 2002, the Court gave a Judgment in the case concerning the land and maritime boundary between Cameroon and Nigeria (*Cameroon v. Nigeria: Equatorial Guinea intervening*) thereby putting an end to a long-standing territorial and frontier dispute. The Court decided that sovereignty over Bakassi lay with Cameroon. The Court also determined the boundary in the Lake Chad area and defined with extreme precision the course of the land boundary between the two States in 17 other disputed sectors. The Court then went on to determine the maritime boundary between the two States. Drawing upon the consequences of its determination of the land boundary, the Court held that each of the two States is under an obligation expeditiously and without condition to withdraw its administration and military and police forces from areas falling within the sovereignty of the other. In the reasoning of its Judgment, the Court also noted that the implementation of the Judgment would provide the parties with a beneficial opportunity for cooperation. It took note of Cameroon's undertaking at the hearings that,

> "'faithful to its traditional policy of hospitality and tolerance', it 'will continue to afford

> protection to Nigerians living in the Bakassi Peninsula and in the Lake Chad area'". (*A/58/4, para. 19*)

Finally, the Court rejected each party's State responsibility claims against the other.

In December 2002, the Court rendered its Judgment in the case concerning sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia) in which it found that the 1891 Convention between Great Britain and the Netherlands, on which Indonesia based its claim to sovereignty over the islands, could not be taken to establish a title to sovereignty and that neither of the parties had obtained title to Ligitan and Sipadan by succession. The Court concluded, on the basis of *effectivités* — that is, activities evidencing an actual, continued exercise of State authority over the islands — that sovereignty over the islands of Ligitan and Sipadan belonged to Malaysia.

The third Judgment rendered by the Court in the period in question related to its previous decision on preliminary objections of 11 July 1996 in the case concerning application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v. Serbia and Montenegro*), in which the Court had found, inter alia, that, on the basis of article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, it had jurisdiction to adjudicate upon the dispute.

In April 2001, Serbia and Montenegro filed an application for revision of that decision, subsequent to its admission to the United Nations on 1 November 2000 — a fact which, it contended, proved that it was not a Member of the United Nations, was not a State party to the Statute of the Court and was not a State party to the genocide Convention prior to that date. In its Judgment of 3 February 2003, the Court rejected the request for revision on the grounds that the recent admission of the applicant to the United Nations could not be regarded as a new fact within the meaning of Article 61 of its Statute, capable of founding a request for revision of the 1996 Judgment. In other words, the Court found that a fact which had occurred several years after a Judgment had been given could not be regarded as a new fact for the purposes of the Court's revision procedure.

Also in February 2003, the Court issued an order indicating provisional measures in the case submitted by Mexico on 9 January 2003 concerning a dispute over alleged violations of the Vienna Convention on Consular Relations with respect to 54 Mexican nationals sentenced to death in certain States of the United States of America. The Court stated that the United States

> "'shall take all measures necessary to ensure that [three of the Mexican nationals, who are at risk of execution in the month coming], are not executed pending final judgment' in the case; and that the United States 'shall inform the Court of all measures taken in implementation of the Order'". (ibid., *para. 22*)

In June 2003, the Court issued another order on a request for provisional measures, in the case concerning certain criminal proceedings in France — *Republic of the Congo v. France*. In its application of 9 December 2002, the Republic of the Congo had sought to institute proceedings against France with a view to obtaining the annulment of the investigation and prosecution measures taken by the French judicial authorities further to a complaint for crimes against humanity and torture filed by various associations against the President of the Republic of the Congo, the Congolese Minister of the Interior and other individuals, including the Inspector-General of the Congolese Armed Forces.

The application also stated that, in connection with these proceedings, an investigating judge of the Meaux *Tribunal de grande instance* had issued a warrant for the President of the Republic of the Congo to be examined as a witness. The Republic of the Congo further stated that it sought to found the jurisdiction of the Court, pursuant to article 38, paragraph 5, of the Rules of Court, on the consent of the French Republic, which will certainly be given. This provision in the Rules of Court refers to situations where the applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made. In such circumstances, the case does not proceed unless and until the defendant State consents to jurisdiction.

Following France's consent, given in April 2003, to the jurisdiction of the Court to entertain the application, the case was entered in the Court's List and the proceedings were opened. The request for the indication of a provisional measure, which the Republic of the Congo had submitted on the same day

as the application, was activated also by the acceptance of the Court's jurisdiction by France. In that request, the Republic of the Congo sought an order for the immediate suspension of the proceedings being conducted by the investigating judge of the Meaux *Tribunal de grande instance*. In its Order on provisional measures, however, the Court found, on the facts before it, that no risk of irreparable prejudice existed with regard to the rights claimed by the applicant and rejected the Congo's request.

The case brought by the Republic of the Congo is the first case of the kind contemplated by article 38, paragraph 5, of the Rules of Court in which the State named as respondent, on being notified of the application made against it, has in fact agreed to accept jurisdiction. The provision whereby such an application is ineffective until the other State accepts jurisdiction was introduced to discourage proceedings from being brought before the Court for purely political reasons, in the absence of any jurisdictional title. Nevertheless, it remains open to any State to use this means of extending an invitation to another State to confer jurisdiction on the Court in a specific dispute and thus to demonstrate its confidence in the Court. Furthermore, since France was free to disregard the application, the fact that it chose to accept jurisdiction and to appear and defend the case is an encouraging tribute to the value of judicial proceedings as a means of pacific settlement of disputes.

Following hearings earlier this year, the Court recently completed its deliberations on the *Oil Platforms* (*Islamic Republic of Iran v. United States of America*) case, concerning the destruction by United States Navy warships, in 1987 and 1988, of three offshore oil production complexes owned and operated by the National Iranian Oil Company. The Court will deliver its Judgment, in this case, in open court shortly after my return to The Hague.

Following hearings in September 2003, the Chamber of the Court in the case concerning *Application for Revision of the Judgment of 11 September 1992 in the Case concerning the Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) (El Salvador v. Honduras)* is similarly holding deliberations. Hearings are also scheduled for November 2003 in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*; and hearings in the case concerning *Avena and Other Mexican Nationals (Mexico v. United States of America)* are due to open in December 2003.

In addition to the Chamber formed for the case between El Salvador and Honduras, the Court has, as requested by the parties, also formed a five-member Chamber to deal with a boundary dispute between Benin and Niger. The Court is thus maintaining its work rate and looks forward to an equally busy schedule next year.

Before concluding this part of my statement, I would like to stress the fact that both Judgments and orders indicating provisional measures made by the Court are binding on the parties. For it is indeed this binding nature of its decisions which lies at the heart of the Court's mission to solve legal disputes between States and is the necessary condition for the successful achievement of that mission. Under Article 94, paragraph 1, of the Charter, each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party. Article 60 of the Statute of the Court adds that Judgments of the Court are final and without appeal. The binding effect of orders indicating provisional measures under Article 41 of the Statute of the Court has recently been confirmed by the Judgment rendered by the Court in the *LaGrand* case. The Court has no doubt, therefore, that parties to litigation before it will continue to implement its decisions, as they have done in the past.

As my predecessors have endeavoured to point out, the Court is always aware of its duty to deal with cases as promptly and efficiently as possible. The working methods of the Court are subject to permanent re-examination in an effort to avoid delays in the Court's proceedings. This constant quest to meet the expectations of the parties before the Court is necessary in view of the considerable number of cases on its docket.

Furthermore, many cases have been rendered more complex as a result of preliminary objections by respondents to jurisdiction or admissibility and of counterclaims and applications for permission to intervene, not to mention requests by applicants — and even sometimes by respondents — for the indication of provisional measures, which have to be dealt with as a matter of urgency.

In that regard, in order to improve efficiency, the internal mechanisms of the Court are under constant review. But we also ask parties before the Court to cooperate in achieving our common goal. For example, the Court has issued a number of Practice Directions, including Practice Direction IX, which is aimed at limiting the late filing of documents, in accordance with article 56 of the Rules of Court. The Court has also noted the increasing tendency of parties to use requests for the indication of provisional measures as an opportunity to provide an early outline of their cases on the merits. It is therefore looking into ways of emphasizing — and indeed requiring — that, in hearings on such requests, parties should focus on the legal conditions for the indication of provisional measures.

The Court is also aware of the importance of keeping pace with technological developments in order to improve the internal functioning of its Registry. The Court's well-regarded web site and its intranet — the Court's internal web site — are in the process of being redesigned to make them more dynamic and easier to use. The Court has also set up an electronic document management system, which provides immediate access to case files and archival documentation. In particular, the ZyIMAGE document retrieval software, which provides an updated bilingual database, enables users quickly to access and consult a wide range of legal and Court-related materials.

In its budgetary request for the biennium 2004 to 2005, the Court has asked for provision to be made for an additional professional officer in the Computerization Division, which currently has only one post in the Professional category. The Court believes that it is absolutely essential to recruit a professional with advanced information technology skills in order to be able to meet the General Assembly's request for more enhanced use of modern technology.

Nor can the Court overlook the need for well-qualified young lawyers to assist with research for its 15 members, and to that end, in its latest budgetary proposal it has requested the conversion of the funds temporarily available for five law clerks into established posts. The Court has also requested the creation of two security posts, as recommended by the United Nations Security Coordinator. In making those requests — which are presently under consideration — the Court has restricted itself to proposals that are financially modest but also of the utmost significance for the implementation of key aspects of its work. The Court hopes that those budgetary proposals will meet with the agreement of the Assembly, thereby enabling the principal judicial organ of the United Nations to better serve the international community.

While the International Court of Justice carries out its work in the tranquil setting of The Hague — far from the hustle and bustle of Headquarters in New York — its activities contribute in a very direct way to the overall aims and objectives of the United Nations. The Court's potential in that regard is apparent in the wide-ranging impact that its work already has on the international community. In particular, the role that the Court plays — through the power of justice and international law — in resolving disputes between States is widely recognized and evidenced by the number of cases on the Court's docket.

Furthermore, it is not uncommon that these cases deal directly with issues concerning international peace and security. The impartiality of the Court's judicial procedure and the equality of arms that it guarantees to the parties before it — inherent elements of the Court's nature — undoubtedly contribute to the effective resolution of such disputes. In performing its dispute resolution function, the Court, which embodies the principle of equality of all before the law, acts as guardian of international law and ensures the maintenance of a coherent international legal order. I can assure the Assembly that the Court will pursue its efforts to respond to the hopes placed in it.

The Court thanks the Assembly for its help and counts on it for continuing support in the years to come, in the interests of justice, peace and law.

Ms. Al Bakri Devadason (Malaysia): Permit me at the outset to thank Judge Shi Jiuyong, President of the International Court of Justice, for his enlightening introduction of the report of the Court (A/58/4). That comprehensive report contains useful information on the work of the Court and provides us with a better understanding of the complex issues before it.

We appreciate the important contribution of the International Court of Justice to the peaceful settlement of disputes between States and to the development of international law. Indeed, the peaceful settlement of disputes is one of the fundamental pillars of the United Nations. We acknowledge that the International Court of Justice has tremendous influence in the promotion of

peace and harmony among the nations and peoples of the world through the rule of law.

The Court plays an important role in resolving disputes submitted by States and giving advisory opinions on legal questions referred to it in accordance with international law. That role should not be underestimated in the common endeavour to promote peace among nations. The Court provides a more prudent and civilized alternative to violence and the use of force.

We are pleased to note the marked progression in the caseload of the Court since its inception 58 years ago. That is testimony to the growing confidence of States in the work of the Court and to the willingness of the international community to be governed by the principles of international law in the conduct of international relations.

The Court has handed down judgements and opinions of excellent quality. The acceptance of those judgements and opinions by the parties concerned demonstrates the preference of States to avail themselves of the wisdom of the Court to resolve disputes peacefully. Indeed, this increasing recourse by States to the judicial settlement of their disputes has granted the Court centrality in the administration of international justice. Confidence in the role, function and accomplishments of the Court has strengthened Malaysia's belief that the Court is the most appropriate forum for a peaceful and final resolution of disputes when all efforts in diplomacy have been exhausted.

Malaysia, in mutual agreement with its friendly neighbours, Indonesia and Singapore, decided to submit both of its respective territorial disputes with them for adjudication by the Court. We welcome the Judgment of the Court delivered on 17 December 2002 on the dispute with Indonesia, which relates to the sovereignty over two islands, Pulau Ligitan and Pulau Sipadan. In this regard, Malaysia is truly grateful that the Court's decision has been fully respected by both sides. With regard to the territorial dispute with Singapore concerning sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge, currently in the Court's docket and which will begin its pleadings stage, we wish to affirm that, consistent with its abiding respect for international law, Malaysia will fully respect the Court's decision on the case. This respect for the Court's decision will contribute to enhancing the Court's stature and prestige among Member States and in turn inculcate a culture of respect for international law in relations among States.

Malaysia welcomes the increasing recourse to the Court by Member States. The number of cases currently in the Court's docket stands at 23 and covers a range of varied subject matter. This augurs well for the progressive development of international law and the role of the Court as a dispute settlement mechanism. We note with interest that 64 States have declared their acceptance of the Court's compulsory jurisdiction in accordance with Article 36, paragraph 2, of the Statute. Also noteworthy is the fact that some 300 bilateral and multilateral treaties have provided for the Court to have jurisdiction in the resolution of disputes arising out of their application or interpretation. Through its work, the Court will play an important role not only in the development of the body of international law but also in establishing and maintaining the primacy of international law. Indeed, rule of law and the primacy of international law in the settlement of disputes rather than the use of force are particularly significant in our world today.

We realize that with the increase in its workload, the Court is faced with the challenge of responding speedily and soundly to the ever more complicated matters before it. Undoubtedly, there is a pressing need to enhance the Court's capability to enable it to efficiently dispose of the cases before it as well as to undertake its additional administrative responsibilities. The Court's efforts to deal with this challenge through improved working methods and the implementation of the various measures that it initiated in 1997 appear to have borne fruit. We welcome the continuation of those efforts, particularly the greater use of information technology, and encourage the constant review of the implementation of the improved working methods in order to meet the needs of the Court. We are pleased to note the strengthened capacity of the Department of Linguistic Matters since its recent expansion and the progress in the automation and computerization of the Archives, Indexing and Distribution Division.

We note that in its requests to the Advisory Committee on Administrative and Budgetary Questions, the Court has made proposals which it considers to be financially modest but of utmost significance to the key aspects of its work. In this regard, we hope that the Court will be granted adequate resources to allow it to continue to fulfil its mandate efficaciously, as its increasing workload demands.

The Court's efforts to increase public awareness and understanding of its work in the judicial settlement of disputes and its advisory functions are laudable. Malaysia considers the publications and lectures by members of the Court to be valuable in the promotion and dissemination of international law. In this regard, we commend the Court's initiatives to improve and modernize its methods of disseminating information concerning its work. Its employment of electronic media has made it tremendously convenient to follow the work of the Court and access its judicial pronouncements. The Court's web site has indeed been very useful to diplomats, academicians, students and interested members of the public. It is undoubtedly one of the most useful sources of public access to the most recent developments in international case law.

Ms. Amadi (Kenya): I thank the President of the International Court of Justice for the lucid and elaborate report contained in document A/58/4. It provides a clear basis for our discussion today, as it outlines the work that the Court has undertaken to date and the difficulties it faces in implementing its core functions.

My delegation notes with satisfaction that the International Court of Justice, in the discharge of its onerous yet indispensable mandate, has established itself as truly the only court of a universal character with general jurisdiction. The increase in the number and diversity of cases referred to the Court attests to the confidence of States in the integrity of this principal judicial organ of the United Nations. It is our hope that the Court will continue to dispense justice with integrity and impartiality in accordance with the United Nations Charter and the Statute of the Court.

We support the establishment of the new posts, particularly for legal clerks, who we believe will be able to speed up the Court's work, for justice delayed is justice denied. To have 23 cases pending is not a good reflection of the administration of justice in the world court. Indeed the Court's workload is heavy, as reported in paragraphs 61 to 64 of the report. In paragraph 25 and 304, the report notes that the judicial year has been particularly busy. It is envisaged that the following year will be equally busy, if not more so. Given that there are 191 Member States — which increasingly recognize the Court's important role in the pacific settlement of international disputes — we are certain that this trend will continue.

My delegation appreciates the measures that have been taken to reduce delays at the Court, as reported in paragraph 26. We urge the Registrar to continue to improve on these measures in order to expeditiously determine the cases that come before the Court.

We note the increase last year in the budget requirements for personnel. In the light of the Court's increased workload, it should continue to rationalize its operations. In particular, there could be a need to examine the possibility of increasing the number of permanent judges in order to deal expeditiously with pending and future cases. In that regard, the President of the Court could make proposals for consideration by the General Assembly, perhaps at the next session.

We commend the President and members of the Court for promoting a better understanding of the Court and its role within the United Nations through speeches and presentations in various institutions around the world. My delegation's concern is that none of those speeches and presentations were made in Africa. We therefore call upon the Court not only to redouble its efforts in this regard but also to make deliberate efforts to ensure that, in the planning of these activities, due regard is given to developing countries, particularly those in Africa.

Kenya attaches great importance to the work of the International Court of Justice. In that regard, Kenya has deposited with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction in accordance with Article 36, paragraph 2, of the Statute of the Court. We note that only 64 States parties have now deposited declarations under this article. We therefore encourage States that have not yet done so to deposit their declaration with the Secretary-General in order to further entrench the universality of the Court.

Mr. Baja (Philippines): As the Chairman of the Sixth Committee I wish to say that, with the consent of the Bureau and the members of the Committee, we suspended our morning meeting to hear the important report of the International Court of Justice (ICJ).

The Philippine delegation expresses its appreciation to Judge Shi Jiuyong, President of the International Court of Justice, for his comprehensive presentation today on the report of the Court to the General Assembly. In the same vein, we would like to extend our congratulations to him for his election early this year as President of the Court, as well as to Judge Raymond Ranjeva, who was elected Vice-

President of the Court. We would also like to take this opportunity to extend our congratulations to the Judges who were re-elected and who were elected during the previous session of the General Assembly and whose term of office took effect on 6 February this year.

The past 12 months have underscored the importance of the role played by the Court as the principal judicial organ of the United Nations and the only court of a universal character with general jurisdiction. The acceptance by many States of the Court's judicial role — not just because they are States parties to its Statute, but also because they have submitted to its jurisdiction in contentious cases — is a testament to the recognition of how effectively the Court has pursued its mandate over the years.

The Court is now, more than ever, immensely preoccupied with the disposal of pending cases from its busy docket. These cases have not only increased in number, but have evolved in terms of the range of issues requiring adjudication and the geographic reach of the parties involved. The parties that seek the Court's jurisdiction come from all parts of the world, and the variety of the cases it handles today ranges broadly from territorial disputes to diplomatic and consular protection by States of their nationals.

In its function as a judicial organ, the Court has not only provided greater understanding of international law through its decisions and judicial pronouncements, it has also become an indispensable instrument for the pacific settlement of disputes between and among States. Thus, the Court has become an indispensable cog of the geopolitical architecture by providing a solid compass for the development of international law and by serving as a significant pillar, both for the maintenance of international peace and security and for the strengthening of the rule of law in State-to-State relations.

The Court faces a tremendous challenge to stay relevant and on the cutting-edge of political developments and the legal demands of a world that is, on the one hand, getting smaller as it rushes to develop its technology but, on the other hand, is growing apart because of the widening gap between rich and poor countries. The Court must continue to improve its working methods and those of its Registry and to strengthen its procedures so as to allow the consideration and adjudication of cases without delay. It must avail itself more extensively of the advantages of information technology and seek greater collaboration with relevant parties in order to streamline its proceedings.

Resort to the judicial system that is uniquely afforded by the Court must be made easily accessible to all nations, particularly to poor nations. The Court must be the court of last resort for all nations seeking justice and resolution of their disputes and disagreements. In the asymmetrical reality of power politics, the Court, as an instrument of the rule of law, provides an opportunity for small and poor countries to improve their chances of finding a resolution to a dispute with a stronger and mightier adversary. The Court provides the equalizer that would prove the counter-adage that might does not necessarily make right.

It is in this context that the Secretary-General's Trust Fund to assist States in the judicial settlement of disputes through the International Court of Justice would prove its strategic purpose. While access to the Court is free, the cost of submitting a dispute to the Court remains prohibitive. It is unfortunate, however, that the guidelines for use of the Trust Fund are quite restrictive with regard to the type of cases and the range of costs for which it could be applied. We hope that these issues can be addressed so that the utility of the Trust Fund can be optimized for the benefit of poor nations.

The Philippines is a strong believer of the significant contribution of the International Court of Justice to the comprehensive vision of the United Nations. The United Nations Charter, of which the Statute of the Court forms an integral part, has provided the international community the only viable multilateral arrangement for the maintenance of international peace and security for more than a half-century. As with any organization, the United Nations, including the Court, requires periodic review to ensure that it stays relevant as it advances in years and as the world undergoes unrelenting transformation brought about by advancing technology and knowledge.

The Philippine delegation is pleased that an important priority for the current presidency of the General Assembly is the revitalization of the Organization. We encourage you, Mr. President, to maintain a steady hand in this course. It is our hope, moreover, that the Court will not be overlooked in this exercise. In these days of mounting challenges to the

international community, we need a Court that will continue to be a relevant instrument of fairness and justice for all the nations of the world.

Mr. Motomura (Japan): It is my great pleasure and honour, on behalf of the Government of Japan, to address this Assembly under your presidency. My delegation would like to thank President Shi Jiuyong for his in-depth report on the current situation of the International Court of Justice (ICJ). The report gave us confidence that the new team of Judges, who began their work in February of this year, are addressing a variety of issues brought to the jurisdiction of the Court with considerable efficiency.

In the current state of international society, there is no question that the importance of the Court, with its long history, solid jurisprudence and the confidence that States place in it, remains unchanged. Indeed, under the present circumstances, in which we continue to witness armed conflict and acts of terrorism, achieving the goal of establishing and maintaining the primacy of integrated international law is essential. The role of the Court, as the principal judicial organ of the United Nations, is crucial in this undertaking.

As a State that firmly believes in the rule of law and strongly upholds the principle of peaceful settlement of disputes, Japan appreciates the strenuous efforts and meticulous work of the Court. We fully support the role of the Court in striving to make further contributions to strengthening the rule of law in international society and in resolving international crises.

It is important to note that there is an increasing number of cases appearing on the docket of the Court. The Court needs to make a concerted effort to establish a more efficient system of management that would enable it to render a greater number of Judgments without sacrificing the quality of its work. At the same time, the international community must consider the level of resources that must be made available to the Court so that it can fulfil its role as guardian of the rule of law. The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in its report on the budget for the biennium 2004-2005, proposed the conversion of five judicial clerkships from temporary to permanent status. My delegation believes that such a change would be a significant step towards the strengthening of the Court's capacity.

To conclude my statement, I would like to stress once again the willingness of my Government to contribute to the strengthening of the International Court of Justice so that it will be well equipped for the invaluable role that it is to play in establishing the rule of law in international society for the twenty-first century.

Mr. Andrianarivelo-Razafy (Madagascar) (*spoke in French*): First of all, I would like to extend the sincere and warm congratulations of the delegation of Madagascar to Mr. Shi Jiuyong on his election to the presidency of the International Court of Justice. We wish him every success in his new task. We would also like to express our appreciation to the President of the Court for introducing the excellent report of the International Court of Justice (A/58/4).

These past few years, we have witnessed on an almost daily basis violations of the principles of humanitarian law. We have witnessed regional and subregional conflicts which are tearing the world apart almost everywhere. We have witnessed border disputes and maritime disputes which give rise to disagreement among the sovereign States concerned.

The Charter encourages all parties to settle their disputes by peaceful means, in particular by recourse to judicial settlement. The International Court of Justice, as the primary judicial body of the United Nations, and having universal jurisdiction, plays that fundamental role. It thus contributes to the strengthening of our system in the maintenance of international peace and security, concepts that are inseparable.

The current evolution of international affairs has shown that cases brought to the Court are not only increasing in number but are becoming increasingly varied and complex. The increase in the diversity of cases that States have freely submitted to the Court, as well as in their number — from 10 on the docket five years ago to 25 today — is an encouraging sign and an irreversible trend. It reflects the growing confidence of Member States in the Court. Even better, it shows that law is taking precedence in the peaceful settlement of international disputes, even if the application of international law to help smooth over difficulties requires political will and political choices by States.

Nevertheless, the recognition by only one third of the membership of the United Nations of the binding jurisdiction of the International Court of Justice under Article 36, paragraph 2, of the Statute does not

strengthen the aforementioned trend, although States can choose the applicable legislation in the settlement of their disputes. Madagascar attaches special importance to the work of the Court and is happy to be among the 20 African countries that have made declarations recognizing the Court's binding jurisdiction. We encourage States that have not yet done so to recognize that jurisdiction. This would strengthen the credibility of the Court and would streamline its procedures.

The International Court of Justice represents impartial justice for the international community, with a view to better organizing the world for the furthering of peace and development.

The Court's efforts to better deal with the disputes before it deserve support. Knowing the practices of States and national legislations, referring to the Statute and to the jurisprudence of international criminal jurisdictions and, finally, applying Security Council resolutions regarding respect for human rights and for international humanitarian law all help the Court reach decisions that are founded on legal bases and that are in accordance with the relevant provisions of the United Nations Charter.

We are grateful to the judges and staff of the Court for having worked so hard to accelerate the examination of cases before it. They have done this over the past few years in spite of a modest budget. We welcome progress made in the Court to improve its working methods in order to adapt to the considerable increase in its workload during the year under review. The Malagasy delegation thus believes that significant financial, material and organizational means must be allocated to the Court, pending the desired and necessary reform of the United Nations system. Such a commitment by the international community is necessary to support the Court in the coming years.

Justice is the fortress of the weak and the refuge of the poor. Madagascar welcomes the Trust Fund — created in 1989 by the Secretary-General — enabling parties to a conflict to apply to the Court for a judicial settlement. This assistance, given to States for expenses incurred during trials, particularly benefits developing countries which are experiencing various social problems and which are fighting against poverty. Such countries have a great need for the Fund's resources — which, unfortunately, have diminished steadily since the Fund was created.

In this context, Madagascar welcomes the existence of other international tribunals. Recent serious and systematic violations of humanitarian law require effective international machinery to ensure the appearance in court and punishment of perpetrators of odious crimes that threaten international peace and security.

It is also time to ensure that international law — and humanitarian law in general — prevails. It is time to protect the legitimate interests of the victims of conflicts. Close cooperation among the various international tribunals is desirable in order to standardize jurisprudence and the decisions handed down. Greater synergy among the principal organs of the Organization is also necessary for the effective revitalization of the entire United Nations system.

Mr. Lobach (Russian Federation) (*spoke in Russian*): First and foremost, the Russian delegation would like to thank the President of the International Court of Justice, Mr. Shi Jiuyong, for his very thorough presentation to the General Assembly of the report on the work of the International Court (A/58/4).

The International Court is the chief judicial organ, not only of the United Nations, but perhaps of the entire system of international relations. It has a lead role in fulfilling one of the most important Charter duties of the United Nations: ensuring the peaceful settlement of disputes among States. The Court plays an irreplaceable role in interpreting the norms of international law; this has a direct impact on the progressive development of international law.

We are gratified to note that in recent years there has been growing interest on the part of States in the activities of the International Court, which indicates that its authority is growing and that there is a strengthening of the legal basis for international relations as a whole. This is indisputably indicated by the large number of applications that have been filed by States with the International Court regarding various disputes.

In our view, the International Court is successfully discharging the obligations that are incumbent upon it. But this does not remove from the agenda the question of making its work even more effective. To a large extent, this has been promoted by steps the Court has taken in previous years to rationalize its working procedures, particularly those aimed at reducing the time it takes to consider cases. It

is our belief that we need to continue to monitor this matter closely. The General Assembly should maintain a constant and appropriate level of financial and staffing support for the work of the International Court of Justice and give full consideration to requests that have been made in that connection by its directors.

Recent decades have been characterized by the headlong development of international jurisprudence. In that connection, we need only refer to the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the International Tribunal for the Law of the Sea and the International Criminal Court. This proliferation of international jurisprudence, caused by objective needs, quite legitimately gives rise to the question of the nature of the relationship among the various institutions of international justice.

In that connection, proposals have been discussed, even for the construction of a sort of hierarchical system of international judicial bodies. The Russian Federation does not agree with that approach. It does not believe that the absence of such a system would — or could — lead to the violation of the unity of international law, including the appearance of competing legal precedents. We believe that the International Criminal Court, in the light of all the existing and possible future international jurisdictions, has a unique role to play because of its importance, which can be strengthened and developed by all means possible.

Mr. Adekanye (Nigeria): The delegation of Nigeria commends the president of the International Court of Justice (ICJ), Judge Shi Jiuyong for the report contained in document A/58/4 on the activities of the Court for the period 1 August 2002 to 31 July 2003. As the main judicial organ of the United Nations for the pacific settlement of disputes between Member States, the Court has continued to attract the confidence of Member States in its defence of the principle of the rule of law in inter-State relations because of its universal character and general jurisdiction. We note, in that connection, that, as of 31 July 2003, some 191 States have become parties to the Statute of the Court, while 64 of those States, including Nigeria, have deposited with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction, in accordance with Article 36, paragraph 2 of its Statute. We believe that this is a positive development for world peace through international law.

Another positive development highlighted in the report concerns the increase in the number of cases on its docket, which stood at 25 as of 31 July 2003. This is as much a reflection of the confidence and trust of States Parties in the impartial role of the ICJ as an indication of the high expectations that its decisions should strengthen peace and good neighbourliness among States. At the same time, however, we are concerned that the increase in the number and diversity of cases will entail an additional workload on the judges. In order for them to perform their duties effectively, we support additional financial and human resources for the Court. The various measures taken since 1997 to rationalize the work of its Registry are indicative of the Court's capacity to properly manage such additional resources. We note in this connection that the Court has already taken advantage of advances in science and technology through the adaptation of communication and information technology to improve its working methods and thereby to enhance its cooperation with States parties, particularly on procedures.

We also commend the Court for its publications, which include reports of judgements, advisory opinions and orders, and we find them to be invaluable sources of international law for Member States, especially the developing countries. We believe that the availability of those documents to States parties, as well as regional and international judicial institutions, would enhance understanding of the Court's procedures and decisions as well as help promote uniformity in international law. It is equally desirable that States parties continue to be availed of assistance to enable them to bear the expenses of the proceedings initiated before the Court. In that connection, we urge that the procedures for access to the special Trust Fund set up by United Nations Secretary-General in 1989 should be simplified.

We reaffirm Nigeria's conviction that international law is the basis of inter-State relations; mutual respect and the desire for peace serve as the glue that bind countries, large and small, together. This is in line with the obligations assumed as a State party to the Statute of the ICJ which, inter alia, provides for the pacific settlement of international disputes. It is in this context that Nigeria received the judgement of the Court in October 2002 on the land and maritime boundary dispute between Cameroon and Nigeria.

Since that judgement was delivered, the two parties have had fruitful sessions in the Nigeria-Cameroon Mixed Commission, to implement the decision of the Court. As a consequence, considerable progress has been made on the various issues raised by the judgement. Also, the leadership of both countries has successfully turned the land and maritime boundary differences into an opportunity for expanded development and fruitful cooperation covering various areas of mutual interest.

We are resolute in our determination not to allow the vestiges of the colonial past to frustrate our efforts to build partnerships and thus make this an example of fruitful cooperation in our region and beyond. We wish to restate our country's appreciation for the helpful role of the Secretary-General in this process, and we call on the international community to demonstrate, in words and in deeds, their support for our current efforts.

In conclusion, we reaffirm our commitment to and support for the International Court of Justice, in which some of our eminent jurists have served in the past. We do so in the firm conviction that the Court constitutes a pillar of stability in the efforts to expand the frontiers of international law and enhance the principle of the pacific settlement of disputes among States.

The President: We have heard the last speaker in the debate on agenda item 13. May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 13?

It was so decided.

Agenda item 108

Crime prevention and criminal justice

Report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on the work of its first to seventh sessions (A/58/422 and A/58/422/Add.1)

Draft resolution (A/58/422, para. 103)

The President: Members will recall that at its 28th plenary meeting on 13 October 2003, the General Assembly decided that agenda item 108 would also be considered directly in plenary meeting for the sole purpose of taking action on the draft United Nations Convention against Corruption.

I now give the floor to Mr. Kofi Annan, Secretary-General of the United Nations.

The Secretary-General: Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish.

This evil phenomenon is found in all countries — big and small, rich and poor — but it is in the developing world that its effects are most destructive. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government's ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment. Corruption is a key element in economic underperformance and a major obstacle to poverty alleviation and development.

I am therefore very happy that we now have a new instrument to address this scourge at the global level. The adoption of the United Nations Convention against Corruption will send a clear message that the international community is determined to prevent and control corruption. It will warn the corrupt that betrayal of the public trust will no longer be tolerated. And it will reaffirm the importance of core values such as honesty, respect for the rule of law, accountability and transparency in promoting development and making the world a better place for all.

The new Convention is a remarkable achievement, and it complements another landmark instrument, the United Nations Convention against Transnational Organized Crime, which entered into force just a month ago. It is balanced, strong and pragmatic, and it offers a new framework for effective action and international cooperation.

The Convention introduces a comprehensive set of standards, measures and rules that all countries can apply in order to strengthen their legal and regulatory

regimes to fight corruption. It calls for preventive measures and the criminalization of the most prevalent forms of corruption in both public and private sectors. And it makes a major breakthrough by requiring Member States to return assets obtained through corruption to the country from which they were stolen.

These provisions — the first of their kind — introduce a new fundamental principle, as well as a framework for stronger cooperation between States to prevent and detect corruption and to return the proceeds. Corrupt officials will in future find fewer ways to hide their illicit gains. This is a particularly important issue for many developing countries where corrupt high officials have plundered the national wealth and where new Governments badly need resources to reconstruct and rehabilitate their societies.

For the United Nations, the Convention is the culmination of work that started many years ago, when the word corruption was hardly ever uttered in official circles. It took systematic efforts, first at the technical, and then gradually at the political, level to put the fight against corruption on the global agenda. Both the Monterrey International Conference on Financing for Development and the Johannesburg World Summit on Sustainable Development offered opportunities for Governments to express their determination to attack corruption and to make many more people aware of the devastating effect that corruption has on development.

The Convention is also the result of long and difficult negotiations. Many complex issues and many concerns from different quarters had to be addressed. It was a formidable challenge to produce, in less than two years, an instrument that reflects all those concerns. All countries had to show flexibility and make concessions. But we can be proud of the result.

Allow me to congratulate the members of the Bureau of the Ad Hoc Committee on their hard work and leadership, and to pay a special tribute to the Committee's late Chairman, Ambassador Héctor Charry Samper of Colombia, for his wise guidance and his dedication. I am sure all here share my sorrow that he is not with us to celebrate this great success.

The adoption of the new Convention will be a remarkable achievement. But let us be clear: it is only a beginning. We must build on the momentum achieved to ensure that the Convention enters into force as soon as possible. I urge all Member States to attend the Signing Conference in Merida, Mexico, in December, and to ratify the Convention at the earliest possible date.

If fully enforced, this new instrument can make a real difference to the quality of life of millions of people around the world. And by removing one of the biggest obstacles to development it can help us achieve the Millennium Development Goals. Be assured that the United Nations Secretariat, and in particular the Office on Drugs and Crime, will do whatever it can to support the efforts of States to eliminate the scourge of corruption from the face of the Earth. It is a big challenge, but I think that, together, we can make a difference.

The President: I call on Mr. Muhyieddeen Touq, Acting Chairman of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, to introduce the report of the Ad Hoc Committee and the draft United Nations Convention against Corruption.

Mr. Touq (Jordan), Acting Chairman of the Ad Hoc Committee for the Negotiation of a Convention against Corruption: It is indeed a great privilege and honour for me to be here today and to address the Assembly in my capacity as Acting Chairman of the Ad Hoc Committee on the Negotiation of a Convention against Corruption. I am here as the Acting Chairman because, sadly, the Chairman of the Ad Hoc Committee, Ambassador Héctor Charry Samper of Colombia, has prematurely passed away. The Ad Hoc Committee, its Bureau and I personally owe a great debt of gratitude to Ambassador Charry Samper, and we mourn his absence on this momentous occasion.

The momentum for a convention against corruption started building during the negotiations on another very important international legal instrument: the United Nations Convention against Transnational Organized Crime, which the Assembly adopted three years ago and which entered into force last month. Those negotiations produced a profound understanding among countries that the time had come to deliver to the world a broad, comprehensive and effective instrument to mark the determination of the international community to take joint action against the scourge of corruption.

The General Assembly reaffirmed those qualities in its resolution 56/260, adopted less than two years ago, by which the terms of reference for the negotiation process — the marching orders of the Ad Hoc Committee — were agreed upon. The General

Assembly decided at the same time to follow the successful experience of the negotiation of the United Nations Convention against Transnational Organized Crime and its Protocols. Therefore, it set a deadline for the completion of the negotiation of a draft Convention against Corruption and asked the Ad Hoc Committee to be inspired by the Convention against Transnational Organized Crime as well as by regional instruments that had set the stage in recent years.

The Ad Hoc Committee began its work with an informal preparatory meeting that was graciously hosted by the Government of Argentina, to whose commitment and generosity I should like to pay special tribute. In Buenos Aires in December 2001, we were pleasantly surprised: 26 countries came forward with proposals for the new Convention, making the work of the secretariat quite demanding but rendering the endeavour of the Ad Hoc Committee very rich in ideas and substance.

As the report indicates (A/58/422), the Ad Hoc Committee held seven sessions between January 2002 and October 2003. It complied fully with the mandate given to it by the Assembly and has delivered to the Assembly a new Convention that is practical, pragmatic, enforceable and comprehensive. It is also characterized by a carefully crafted equilibrium, which is designed to reflect the reality that corruption is a broad phenomenon that has many facets and that demands a multidisciplinary approach at both the national and international levels.

The Ad Hoc Committee's success in the very short time of less than two years was certainly not due to the simplicity of the task or to an absence of political differences in opinion or objectives. Our success was the product of unwavering commitment by all delegations, a highly participatory process — we had an average of more than 125 countries participating in the negotiations — and the spirit of cooperation and compromise that prevailed throughout the process. All delegations were intent on concluding a Convention that would benefit the international community and enable it to make inroads against corruption.

Compromise was not easy. All delegations had to revisit and reassess their objectives and their positions. All delegations had to give up something and to make concessions. But all delegations were adamant about one thing: while the new Convention needed to fully reflect all concerns and to make sure that it did not impinge on essential principles and values that the entire international community holds dear — such as respect for national sovereignty — it was of paramount importance to safeguard the high quality and innovative nature of the final product. In the end, it was sustained political will that animated the Ad Hoc Committee's work and forged this new instrument out of the good faith and talent of all delegations.

In that light, the Ad Hoc Committee complied with its mandate and is presenting to the Assembly today the United Nations Convention against Corruption, annexed to a draft resolution for its consideration and action. I hope that the Assembly will accept the recommendation of the Ad Hoc Committee and adopt the new Convention. I also hope that all States will make every effort in their power to be represented at the Signing Conference — which will take place at the highest possible level in Merida, Mexico, at the beginning of December — and sign the Convention.

Before concluding, I should like to express my sincere gratitude to all delegations that took part in the negotiations. I was particularly impressed by their knowledge, expertise and professionalism. I was especially impressed by the dedication and stamina of the delegations from the many developing and least developed countries that made valuable contributions. I owe a debt of gratitude to the members of the Bureau, some of whom are here with us today: the representatives of Austria, Hungary, Mauritius, Nigeria, Peru, the Philippines and the United Kingdom, and the representative of Poland, who served as Rapporteur. Their indefatigable participation — coupled with their strong commitment and their impressive diplomatic skills — was a major reason for the Ad Hoc Committee's success. Let me also express my heartfelt thanks to the Secretary-General for the support given to our Committee by the United Nations Office on Drugs and Crime and its able secretariat.

The Ad Hoc Committee has laid the first building block. The Assembly's action today will continue the construction of a strong system of national action and international cooperation against corruption. However, we still have a long way to go. We must make sure that the political will that made the negotiation of the Convention possible is sustained and strengthened and that it manifests itself in the expeditious ratification

and subsequent full implementation of the new Convention.

Mr. Romero (Mexico) (*spoke in Spanish*): At the outset, I should like to pay tribute to the memory of Ambassador Héctor Charry Samper, who unfortunately is no longer with us. The swift entry into force of the United Nations Convention against Corruption will undoubtedly be the best way to honour appropriately the work carried out by Ambassador Charry Samper. We regret the loss that his death has meant for the Government and the people of Colombia, and we express our most heartfelt condolences to the family.

I am particularly pleased to speak on behalf of Mexico at the current General Assembly session, which has received the report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption (A/58/422 and Add.1) in response to the desire of the highest United Nations body for an effective international legal instrument to fight corruption. The Assembly's adoption of the Convention will open up new horizons and enable us to establish mechanisms of cooperation to fight one of the problems that most afflict institutions and society in general: corruption.

It is very clear to us that corruption is a scourge that obstructs the development of nations, deepens inequality in societies and diminishes countries' competitiveness. Carrying out resolute action to fight it is a concern not only of advanced countries, but of each and every United Nations Member.

For that reason, the implementation of far-ranging public policies against corruption is today an overriding need around the world. In the struggle against this evil, we need the participation of those who govern and those who are governed and we need to join efforts at the international level. This would make it possible for us to consolidate institutions and society as a whole and to promote living together, side by side, in democracy.

In Mexico, the administration of President Vicente Fox Quesada has designed and implemented a comprehensive programme to combat corruption and to promote transparency and administrative development. The programme's objective is to transform the public administration into a modern service-oriented organization responding closely to the needs, interests and demands of society.

We have appealed for transparency in the public sector so that society can receive information that was previously kept from it. We have laid down judicial bases to professionalize public service, to give priority to the training and value of its members and to thus make it a fundamental element in the smooth functioning of the State.

The approval of laws on the transparency of and access to public and governmental information and on the career professional service are examples of the progress we have made. Similarly, we have adopted measures to promote citizen participation in the fight against corruption. We are modernizing public service through information technology and by generating assistance and cooperation among nations. For that reason, Mexico is actively participating in international organization mechanisms aimed at reaching those goals.

The adoption of the draft United Nations Convention against Corruption will be the result of the international community's conviction that the fight against corruption requires a common effort and a concerted and immediate response. The members of the Ad Hoc Committee for the Negotiation of a Convention against Corruption went beyond their differences and sought formulas for consensus and demonstrated firm political will, which today is bearing fruit. The text adopted reflects the concerns of all countries, and we are convinced that it will make it possible to make progress towards eradicating corruption.

The comprehensive approach to corruption, the emphasis on prevention both in the public and private sector and the measures provided for in the area of extradition and mutual legal assistance, including the handling of property and assets obtained illegally, will make the Convention an effective instrument.

My country has given special attention to the fact the General Assembly will decide to open the Convention to signing in the city of Merida, Mexico. We thank States for their support of Mexico's offer, and we would join in the appeal of Secretary-General Kofi Annan that they come to Merida, Mexico, to sign the Convention. We are convinced that the Merida conference will open new paths of understanding and will help uphold the spirit of the struggle against corruption that characterized the negotiations in Vienna. We invite all States to be represented at the

highest level at the conference, which will be held from 9 to 11 December 2003.

Simultaneously with the conference, there will be exchanges through round-table meetings in which experts will offer their opinions on how to ensure the effective implementation of the Convention. The round tables will emphasize the role of civil society and communications media in the struggle against corruption, legislative measures to achieve that goal, preventive action in the public and private sectors and measures to combat corruption in financial systems.

This afternoon in Conference Room 4 Mexico will hold an informal meeting on the Merida conference, interested delegations will be given detailed information of an organizational and logistical nature and on formal matters regarding their stay in Mexico for representatives and those accompanying them. We sincerely hope that the political will that has been a constant in this discussion will be reflected in the participation of States in the Merida conference and in the signing of the Convention. We would urge all delegations to participate and to sign this most important instrument during the conference.

Mr. Gayan (Mauritius): Allow me first to thank the Secretary-General, His Excellency Mr. Kofi Annan, for his very inspiring address this morning on the need for the international community to deal effectively with the scourge of corruption, and also for his continued support in that regard. I would also like to express to Mr. Muhyieddeen Touq, the Acting Chairman of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, our profound appreciation for the quality of the work he and his team have done in so short a time. They deserve our sincere gratitude.

It is with a sense of great satisfaction and pride that Mauritius expresses its support for this new draft Convention against Corruption. Mauritius has been closely associated with the preparation of this new instrument. As a member of the Ad Hoc Committee for the Negotiation of the Convention and also as a Vice-Chairman of the Ad Hoc Committee, Mauritius is delighted that the international community is being presented with an additional instrument in the overall architecture of good governance.

When the General Assembly adopted its resolution 55/61 in December 2000, recognizing that an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime, was desirable, it could not have foreseen that "desirable" was a gross understatement. The fact that the draft Convention is ready for adoption only two years after work started on it is indicative of the international community's eagerness to take urgent collective measures to undo the havoc which corruption wreaks on our countries. We are happy that the Ad Hoc Committee for the Negotiation of a Convention against Corruption has fulfilled its mandate with remarkable speed. The experts and all those who participated in the drafting of this comprehensive and multidisciplinary instrument deserve our congratulations and gratitude.

Article 1 of the Convention stipulates that the purposes of the Convention are: first, to promote and strengthen measures to prevent and combat corruption efficiently and effectively; secondly, to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery; and third, to promote integrity, accountability and proper management of public affairs and public property.

We admire the fact that it has taken only 71 articles to deal with: prevention, investigation and prosecution of corruption; freezing, seizure, confiscation and return of the proceeds from offences established in the Convention; protection of sovereignty; public reporting to enhance transparency in public administration, particularly with regard to decision-making processes; bribery and embezzlement of property in the private sector; bank secrecy; international cooperation; extradition; mutual legal assistance; mechanisms for recovery of property through international cooperation and confiscation; and information exchange. This is drafting of an exceptional quality, which will become a model and which will be acknowledged as a work of art.

In 2000, we in Mauritius decided to modernize our legislation in order to deal more effectively with the scourge of corruption. We set up a select committee of our Parliament, which proposed a new, modern, comprehensive and results-oriented law. The Prevention of Corruption Act set up an independent anti-corruption commission with a three-fold objective: to educate and to prevent and prosecute corruption. The new commission is already operational and is gradually gaining in stature. While the Government of Mauritius is determined to wage a relentless war against

corruption, we also believe that, in the performance of its functions, the commission should respect the fundamental principles of human rights and guarantee due process and the rule of law in accordance with the principles of our domestic legislation, because we believe that failure by the institution entrusted with the prevention, investigation and prosecution of corruption to observe the principles of the rule of law would render that institution itself guilty of corruption.

Mauritius is convinced that limiting the definition of corruption to the classic offences of bribery would be unwise, especially as those who in modern times are bent on blazing new trails in corrupt practices are endowed with extraordinary ingenuity and creativity. We are happy to note that the Convention, which is couched in a language sufficient to address corruption in a meaningful manner for present purposes, will be reviewed in five years. The review process is necessary to keep pace with new trends in corruption and to improve the legal framework in the light of experience gained.

International and uniform norms of conduct for public affairs and the management of the private sector will supplement the legal arsenal we have to deal with corruption. In Mauritius, we shall review our own legislation in order to bring it in line with this Convention.

In addition to the Prevention of Corruption Act, my country has also created legislation on financial intelligence and a campaign against money-laundering. A financial intelligence unit not only oversees internal cooperation among national law enforcement agencies but also provides international cooperation and mutual legal assistance in cases of suspected money-laundering. We are proud that many aspects of our legislation are reflected in this multilateral instrument.

Mauritius, which has a thriving banking and financial services sector, is anxious to preserve its impeccable image. Mauritius maintains constant vigilance for attempts to introduce the illicit proceeds of crime into its financial circuits.

As a member of the African Union, Mauritius is extremely sensitive to the havoc which corruption has caused in many of our countries. Millions of our people are suffering today on account of corrupt practices, which have diverted scarce resources from development to bank accounts in non-African countries. Although the state in which Africa is in today cannot be attributed to any single cause, still we have no doubt that corruption was a major contributor to that state. No wonder then that corruption is viewed in Africa as our own weapon of mass destruction.

We know that business in Africa can no longer be business as usual. We have decided to take our destiny in our own hands, and we are committed to the New Partnership for Africa's Development (NEPAD). Good governance is making significant progress all over Africa. We are committed to upholding human rights, democracy, the rule of law and the fight against corruption. We have also decided to adopt the African Peer Review Mechanism. We are determined to live up to those norms, not because they are being imposed upon us by others but because our people deserve nothing less. On 12 July 2003, the heads of State and Government of the African Union adopted the African Union Convention on Preventing and Combating Corruption. There are other regional initiatives that complement the United Nations Convention. A worldwide effort to combat corruption in all its forms and aspects is in our collective interest as corruption has become transnational. The prevention and eradication of corruption is the responsibility of all States, big and small.

International cooperation is critical for a successful campaign against corruption. No country is really immune to the ravages of corrupt practices. Like the war against terrorism, this war against corruption must enjoy the widest possible international consensus. We hope that many States will attend the signing ceremony in Merida, Mexico, and we are reassured by the interest that this Convention is generating: the required number of ratifications for the Convention to enter into force will be reached in less time than our experts took to finalize the Convention. May I add that Mauritius will be an immediate signatory of the Convention.

The fight against corruption cannot be won by relying only on repressive measures. This Convention has the merit of having gone beyond what is usually contained in such multilateral instruments by offering to the international community an exhaustive range of levels of intervention to combat corruption in all its known forms.

Transparency, good governance, sound management of public affairs and respect for the rule of law are preconditions for fighting corruption.

Corruption thrives when public affairs are shrouded in secrecy. Corruption cannot coexist with transparency and good management.

Mauritius wishes to echo what is contained in the preamble to the Convention. We are concerned about the seriousness of the problems and threats posed by corruption to the stability and security of societies; undermines the institutions and values of democracy, ethical values and justice and jeopardizes sustainable development and the rule of law. We are also concerned about the links between corruption and other forms of economic crime and organized crime.

The Ad Hoc Committee was well inspired to provide for measures which States must take to address the consequences of corruption. In that context, States parties may consider corruption a relevant factor in legal proceedings to annul or rescind a contract, withdraw a concession or take any other remedial action. In our view, that is an essential element in the armoury the international community needs to effectively combat corruption. The fight against corruption concerns all of us, and we must do whatever it takes not to lose that fight.

In conclusion, I would be failing in my duty if I did not express our grief at the passing away of Mr. Hector Charry Samper of Columbia, who chaired the Ad Hoc Committee until very recently. The only comfort we have is that his name will be forever associated with this landmark Convention.

Mrs. Borzi Cornacchia (Italy): I have the honour to take the floor on behalf of the European Union. The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia and the associated countries Bulgaria, Romania and Turkey align themselves with this statement.

Allow me to join previous speakers in expressing on behalf of the European Union our great debt of gratitude to Ambassador Charry Samper of Colombia, Chairman of the Ad Hoc Committee. We deeply mourn his absence today on this special occasion.

Corruption impoverishes national economies, undermines democratic institutions and the rule of law and has a negative impact on economic and social development. For this reason the European Union attaches particular importance to preventing and combating corruption at all levels.

While the European Union continues to implement its own comprehensive anti-corruption policy, at the same time it believes that — in an increasingly connected world — the United Nations needs to take stronger action in the increasingly urgent fight against corruption. In this context, the European Union wholeheartedly looks forward to the adoption of the United Nations Convention against Corruption, an instrument that can effectively contribute to our common aim.

The European Union expresses its satisfaction on the outcome of the negotiations on this Convention, held in Vienna, in which the Union played an active role. The text to be adopted today provides States with an instrument of high standard and with a wide range of universally acceptable provisions that will strengthen States' ability to combat corruption at the national and international levels. The European Union also applauds the comprehensive nature of the Convention, which includes both prevention and law enforcement measures, as well as innovative legal provisions or the transfer of funds of illicit origin and their restitution.

The European Union reiterates its high appreciation for the offer made by the Government of Mexico to host a high-level political conference for the purpose of signing the convention in Merida from 9 to 11 December and sincerely hopes the maximum number of States will sign the convention on that occasion. Such a response would be an important first step towards the speedy entry into force and implementation of the Convention, to which the European Union is committed.

The European Union also believes that adequate support for the United Nations Office on Drugs and Crime on Vienna is needed, including for its Global Programme against Corruption, so as to enable it to promote the entry into force of the Convention against Corruption and to support the implementation of related activities and initiatives.

The President: I now give the floor to the representative of Rwanda, on behalf of the African Union.

Mr. Kamanzi (Rwanda) (*spoke in French*): I would like to take this opportunity to reiterate to both you, Mr. President, and to your Office, our profound congratulations for the excellent way in which you

continue to guide the work of the fifty-eighth session of the General Assembly.

I would also like to express the great appreciation of the African Group for having included on the agenda the item on crime prevention and criminal justice.

The Ad Hoc Committee for the Negotiation of a Convention against Corruption has just presented its report to the General Assembly. Its goal was to produce an effective international juridical tool to combat corruption, and I should like to express my sincere congratulations to the Committee for the excellent work it has done, which is an ample reflection of the outstanding capacity of its members.

Like previous speakers, I would also like to pay tribute to the late Ambassador Héctor Charry Samper for his commendable work in his capacity as Chairman of the Committee. May he rest in peace.

The proposed convention gives Member States a way to overcome the major political and legal obstacles that have frequently hampered development efforts in various countries, particularly the poorest ones. It will also help to counter the danger of the proliferation of armed conflicts that affect the poorest countries — conflicts often underpinned by multinational structures operating through political regimes controlled by a nucleus of corrupt leaders. In this regard, the instrument the General Assembly now has before it is a real shot in the arm for the efforts to institutionalize the rule of law and good governance initiated by a number of African States, which are determined now more than ever to assure a better socio-economic future for their citizens.

I hardly need to dwell on the importance of this mechanism for the international community in its efforts to combat terrorism, which is often strengthened by the existence of networks forged with the aid of commercial and political systems maintained by illegal funds.

To have an effective mechanism is one thing, but to use it is another. So I would like to take this opportunity to appeal to the international community to provide their unreserved support for this draft convention. From the time of its conception, through its preparation, the proposal has now reached the stage where each country has to commit to making this proposed mechanism its own by adopting it.

In this connection I would like to encourage all nations of the world to make an overwhelming show of acceptance for the invitation to the Merida, Mexico signing conference, from 9 to 11 December, to mark the formal adoption of the United Nations Convention against Corruption. This will be one more opportunity for the nations of the world, both rich and poor, to voice their firm support for justice, peace and the prosperity of humankind.

Mr. Negroponte (United States of America): Ten years ago, bribes were still tax deductible in some countries and no international anti-corruption treaties existed. Today's resolution is therefore a milestone achievement in the global effort to ensure transparency, fairness and justice in public affairs.

This is vital not only to the rule of law, but to the fundamental confidence citizens must have for representative government and private enterprise to succeed. Corruption and democracy are incompatible; corruption and economic prosperity are incompatible; and corruption and equal opportunity are incompatible.

As a consequence, I am pleased to say that the draft convention we consider for adoption represents the first globally negotiated anti-corruption treaty and will likely be the first anti-corruption treaty applied on a truly global level. It is more comprehensive than any existing anti-corruption treaty and provides the first agreed multilateral framework for Governments to cooperate in the recovery of illicitly obtained assets. An important chapter of the text creates a conference of States parties that will be responsible for follow-up. We expect that body to play a prominent role in promoting implementation, and we believe it is not too soon for us informally to share our visions of how it can be most effective.

Like other anti-crime treaties before it, the new Convention will establish commitments to criminalize certain undesirable and harmful conduct — in this case, corrupt actions such as bribery, embezzlement and money-laundering. But the Convention does not stop there. It will also require Governments to take action in a number of areas — for example in public procurement, public financial management and the regulation of public officials — so as to help prevent corruption from happening in the first place.

The international fight against corruption has long been a priority for my country, beginning with our efforts in the 1980s to rally international attention to

bribery in international business transactions. In fact, President Bush considers anti-corruption efforts to be so central to development that he has made progress on fighting corruption an essential element for participation in the Millennium Challenge Account, which we expect will add $5 billion to our core development assistance and thereby increase it 50 per cent by fiscal year 2006.

Experts from approximately 130 countries spent countless hours over the past two years developing this Convention. The United States was pleased to participate actively in those long and highly technical negotiations. Our experience convinces us that the draft United Nations Convention against Corruption is the product of a true partnership among most of the countries represented in this Hall. We think this is crucial. A successful fight against corruption requires action on many fronts; clearly, our efforts will be effective only to the extent that we maintain the partnership we have forged over the last two years.

Now — as with all treaties — the end of negotiations marks the real beginning of engagement. The words of this Convention must be translated into action, or else the hard work of the Ad Hoc Committee will be for naught. Numerous compromises had to be made in the negotiations; no country obtained everything it sought. But with an agreed text before us, the time has come for all countries to move as quickly as possible in their national processes to consider signature and ratification, to engage civil society and the private sector and to work to promote the implementation of the innovative and helpful approaches that we have developed together.

In closing, we thank the members of the Bureau of the Ad Hoc Committee and its secretariat from the United Nations Office on Drugs and Crime in Vienna, in particular Eduardo Vetere and his staff, including Dimitri Vlassis, for their tireless dedication during the two years of negotiations.

Our Acting Chairman, Ambassador Muhyieddeen Touk of Jordan, deserves special credit for his wise leadership following the sad and untimely death of Ambassador Charry Samper of Colombia. We also want to recognize the contributions of the late Ambassador Samper, who believed wholeheartedly in our efforts and, we believe, would be pleased with the finishing touches to his work.

Thank you, Mr. President, for allowing me to take the floor, and congratulations to our colleagues who participated in the important work of the Ad Hoc Committee.

Mr. Garcia (Philippines): First of all, I would like to express my satisfaction at being able to attend this particular meeting of the General Assembly to deliberate on the adoption of the draft United Nations Convention against Corruption.

It is widely recognized that corruption is a universal phenomenon and that it knows no boundaries. No country is immune to its pernicious effects. Indeed, all societies and economies are affected by that transnational phenomenon. The International Monetary Fund has estimated that the total amount of money laundered on an annual basis is equivalent to 3 per cent to 5 per cent of the world's gross domestic product. A significant portion of that activity involves funds derived from corruption.

It is precisely for that reason that the draft United Nations Convention against Corruption should be hailed as a landmark achievement by the international community. For the first time, the scourge of corruption is being addressed in a comprehensive and multidisciplinary manner. For the first time, the members of the international community have broken new ground and have been able to forge a consensus on measures to prevent and combat corruption more efficiently and effectively, as well as on measures to promote, facilitate and strengthen international cooperation and technical assistance in the prevention of and the fight against corruption, including in asset recovery. These are complex issues requiring cooperation, flexibility and creativity.

We do not need to be reminded of the fact that the Philippines is among those countries which in the past have been damaged by high-level corruption committed with impunity by high-level officials and their high-powered cohorts and cronies in the private sector. The Filipino people are still paying for the sins of those to whom they had entrusted their fate — those who had sworn to uphold and protect their interests. Since President Gloria Macapagal-Arroyo assumed leadership in 2001, significant accomplishments have been made in the fight against corruption in my country, the Philippines. Despite these gains, the Philippines realizes that international cooperation and technical assistance are vital elements in the campaign

against corruption, especially as regards funds that have been illicitly transferred, hidden or invested in other countries beyond the jurisdiction of our legal system.

Viewed against this backdrop, it is not surprising that the Philippines welcomed from the outset the negotiations on the draft United Nations Convention against Corruption. The Philippines was actively engaged in this multilateral process from the very beginning and was elected a Vice-Chairman of the Ad Hoc Committee for the Negotiation of a Convention against Corruption. The Philippines had even submitted its own draft of the convention during the preparatory meeting held in Buenos Aires in December 2001.

This involvement was capped by close Philippine participation in the sixth and seventh sessions of the Ad Hoc Committee, held in Vienna in July/August and September/October this year. During these sessions we were able to put to good use the hard and painful lessons of the Presidential Commission on Good Government, the Philippine Government agency tasked with the recovery of the illicitly acquired assets of the Marcos regime. I specifically refer to the landmark chapter V of the draft Convention where, for the first time, the return of assets is stated as a fundamental principle, and international parameters are set relative to asset recovery.

Having said that, the Philippines is well aware that major compromises had to be made by all delegations to successfully secure final agreement on the draft Convention. The Philippine delegation was among those that had to strike a compromise for the sake of reaching consensus on the language of provisions that, for us, touched on dearly held positions and convictions. This we did, knowing that the Filipino people would be better served by the existence, rather than the absence, of an international legal instrument against corruption.

Nevertheless, the proceedings of the negotiations, the notes in the travaux preparatoires and the report of the consistency group make very clear the spirit and intent behind these textual accommodations. Likewise, the statements of the Group of 77 and China during the Ad Hoc Committee sessions elaborate on the raison d'être of the Convention for the developing countries.

The Philippines wholeheartedly supports the adoption of the Convention by the General Assembly. In our view, the Convention should ultimately serve as a catalyst for the rule of law, the exchange of best practices, technical assistance and capacity-building, particularly to strengthen the efforts of developing countries in fighting corruption. It would, however, be an aberration, a distortion of all that the United Nations stands for, if the Convention were to be used as an instrument to impose conditionalities, or if it were cited as a convenient excuse to intrude into the internal affairs of individual States.

In closing, I would like to express my appreciation to all those delegations who participated actively in the Vienna negotiations, including the secretariat of the United Nations Office on Drugs and Crime under the leadership of the Executive Director, Mr. Antonio Maria Costa, and members of the United Nations Secretariat. I would also like to mention, in particular, Mr. Eduardo Vetere and Mr. Dimitri Vlassis.

The Ad Hoc Committee has complied with and fulfilled its difficult mandate and is now presenting to us the formidable product of its heroic and creative efforts. This deserves our heartfelt thanks. We are hopeful that the same heroism and creativity will prevail with respect to the future entry into force of the Convention.

The President: We have heard the last speaker in the debate on this item for this meeting. Because I promised many delegations that I would present this morning my analysis on the debate on the cluster of items on revitalization, restructuring and reform, we will continue the debate on agenda item 108 this afternoon.

Agenda item 55 (*continued*)

Revitalization of the work of the General Assembly

Agenda item 57 (*continued*)

United Nations reform: measures and proposals

Agenda item 58 (*continued*)

Restructuring and revitalization of the United Nations in the economic, social and related fields

Reports of the Secretary-General (A/57/786; A/58/175, A/58/351, A/58/382, A/58/395 and A/58/395/Corr.1)

Agenda item 59 (*continued*)

Strengthening of the United Nations system

The President: Sixty-one delegations have spoken in the debate under item 55, "Revitalization of the work of the General Assembly", item 57, "United Nations reform: measures and proposals", agenda item 58, "Restructuring and revitalization of the United Nations in the economic, social and related fields" and agenda item 59, "Strengthening of the United Nations system".

I believe it important to note at the outset that delegations speaking under this cluster of items centred their statements on agenda items 55 and 58. Little or no reference was made to items 57 and 59. This is, I believe, an indication of where some of our problems lie, in respect of reform and revitalization of the General Assembly and of the United Nations as a whole. We should, in our deliberations, ponder why we have two items before us for discussion on which few delegations cared to comment.

The discussions on items 55 and 58 have been both interesting and thought provoking. Delegations have been particularly reflective and conscientious in their approach to agenda item 55, on the revitalization of the General Assembly. It is on this item that I will focus my assessment today. I am both pleased and encouraged by the overall mood of the debate, and particularly by the many concrete proposals and suggestions that delegations have made.

I sense a gathering momentum in favour of taking decisive steps towards revitalization of the Assembly. I also sense an emerging consensus that we should take action expeditiously. I see no reason for further delay. The informal note I circulated to delegations on 15 October 2003 has been well received. I appreciate your support for this document as a worthwhile initiative and the generally held view that it forms a good basis on which to begin our work. I was especially pleased that the two clusters of issues I identified in the informal note have been generally welcomed as a useful conceptual framework.

Among the specific issues addressed in the debate, it is noteworthy that a number appeared to give rise to particular concerns and were based centrally on decisions that must be taken in the context of the revitalization exercise. The first, and all-encompassing, is the political position and status of the General Assembly. In that regard, attention was repeatedly drawn to the passage in the Millennium Declaration in which heads of State and Government resolved

> "To reaffirm the central position of the General Assembly as the chief deliberative, policy-making and representative organ of the United Nations, and to enable it to play that role effectively." (*resolution 55/2, para. 30*)

That objective, I believe, should form the backdrop for our negotiations in the weeks ahead.

The view has also been taken that the relationship between the General Assembly and the Security Council needs to be addressed. In that context, consideration by the Council of issues that seem to fall more naturally within the purview of the Assembly and the Economic and Social Council is a development to which further attention must be paid in our discussions.

The view has been strongly advanced in the course of the debate that for the General Assembly's resolutions and decisions to be better respected, they will have to become better known. Attention was drawn to the advocacy role that the Department of Public Information should more actively play in bringing that about.

In the consideration of possible means of strengthening the General Assembly, many references were made to the need to strengthen the Office of the President, both as a means of better managing each session and as a way to ensure needed continuity and institutional memory from session to session. Such strengthening would require augmenting the resources available to the Office. There is also an emerging view that the role of the presidency itself needs to be reviewed. Comments were made in that regard on the possibilities of extending the term of the President, re-electing the President to a second term or instituting a troika system. Each of those issues might be further considered.

The idea of making more effective use of the General Committee as an organizational and coordinating mechanism has been generally welcomed. The initial informal steps I have taken in that respect might now be fleshed out and formalized.

The implementation of resolutions of the Assembly was a crucial concern raised in the debate. Comments were made concerning the many resolutions that went unimplemented or were poorly followed up.

That is indeed a significant deficit in our activities to which greater attention must be paid. Suggestions have been made for better monitoring of the process of implementation that should be examined in detail. A vital part of ensuring more effective implementation must lie in drafting better resolution texts that would make resolutions more user-friendly, and thus more implementable. There appears to be general agreement that resolutions should be shorter and more to the point and, to the extent possible, should refrain from the excessive repetition of previous resolutions. I trust that the comprehensive resolution that I anticipate will be the result of the negotiations that will now commence on the revitalization item will itself be a model of what resolutions of the future might look like.

Views have begun to converge on some points regarding the nature and function of the plenary itself. The rationale for compressing the plenary's work into a three-month period, whatever it may have been once, some time ago, no longer appears to be persuasive. An alternative should be sought to that practice that has the Assembly considering, over a period of approximately 13 weeks, some 200 draft resolutions. As the Assembly session is for one year, scheduling the work of the Assembly over a longer period seems desirable.

Notable interest was shown in positioning the plenary to approach its work more thematically. That is an issue that should now receive further consideration, both in relation to the organization of the general debate and the organization of the agenda of the General Assembly. A consensus has begun to develop around the importance of reducing the length of the Assembly's agenda. Delegations have acknowledged that the substantive agenda as currently presented creates a workload that is difficult to contend with. At the same time, the increasing awareness that the agenda should reflect contemporary realities was evident from the debate, and is a matter that should require attention in our revitalization discussion.

Progress has been made in the biennialization, triennialization and clustering of items for discussion on the Assembly's agenda, and that has been widely recognized. The general view appears to be that the time has come to make further progress on those fronts as we proceed with the revitalization exercise.

The issue of documentation overload is one that is inextricably linked to matters concerning the agenda, resolutions and the biennialization and triennialization and clustering of items. It would be essential to take up that matter in that broader context.

Comments have been made concerning aspects of the revitalization exercise that concern the Main Committees and their bureaux. Some of the Committees are themselves reviewing their working methods and procedures to improve effectiveness. Those initiatives will need to be integrated into the overall revitalization exercise.

I hope that my assessment of the revitalization debate will assist Members as we move ahead in our work.

With regard to the next steps, I wish to advise the Assembly that I have invited six permanent representatives to serve as facilitators for this item. I appreciate, and I am pleased, that they have agreed to do so. The facilitators are Mr. Abdallah Baali, Permanent Representative of Algeria; Mr. Stafford O. Neil, Permanent Representative of Jamaica; Mr. Dirk Jan van den Berg, Permanent Representative of the Netherlands; Mr. Kishore Mahbubani, Permanent Representative of Singapore; Mr. Roman Kirn, Permanent Representative of Slovenia; and Mr. Dumisani Shadrack Kumalo, Permanent Representative of South Africa. I shall be meeting the facilitators as a group shortly — in fact, no later than Monday afternoon — so that we can determine a framework and timeframe for their work.

It is my intention to present a draft resolution of the President for consideration by the Assembly before it concludes the substantive part of its session, in December of this year. I know that I can count on members to give the facilitators the necessary support and cooperation so that we can meet that goal. I look forward to working with the Assembly and to benefiting from its continued support as we pursue together the critical questions that have been identified by our heads of State and Government and other high-level representatives as matters of priority for the General Assembly.

We have thus concluded this stage of our consideration of agenda items 55, 57, 58 and 59.

The meeting rose at 12.50 p.m.